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JULY 1, 2013

NAVIGATION AND VESSEL INSPECTION CIRCULAR (NVIC) XX-13

Subj: TITLE 46, CODE OF FEDERAL REGULATIONS (CFR), PART 4 MARINE
CASUALTY REPORTING PROCEDURES GUIDE WITH ASSOCIATED
STANDARD INTERPRETATIONS

Ref: (a) Title 46, United States Code (U.S.C.), Chapter 61 and 63
(b) Title 46, Code of Federal Regulations (CFR), Part 4
(c) Marine Safety Manual, Volume V, Investigations and Enforcement,
COMDTINST M16000.10A
(d) MISLE Incident & Enforcement Process Guide

1. **PURPOSE.** This circular provides specific guidance for the identification and reporting of marine casualties to promote compliance with references (a) and (b). Additionally, this circular will clarify terminology and phrases within the regulatory context, draw attention to helpful regulatory citations and provide concise policy interpretations to assist involved parties in the casualty reporting process. It is impossible to outline every scenario that may apply to this subject within the highly dynamic and complex maritime environment; however, this circular is intended to serve as a common framework of understanding for both Coast Guard and maritime industry personnel.

2. **DISCLAIMER.** This circular is not a substitute for applicable legal requirements, nor is itself a rule. It is not intended to nor does it impose legally-binding requirements on any party. It represents the Coast Guard's deliberations on this topic in an effort to assist all parties in applying proper statutory and regulatory requirements. This circular is specific to 46 CFR Part 4 occurrences only and is not intended to limit Captain of the Port (COTP) or Officer in Charge, Marine Inspection (OCMI) discretion in applying other appropriate regulatory standards within their respective areas of responsibility.

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NON-STANDARD DISTRIBUTION:

3. ACTION.

- a. Area, District, Sector Commanders, and Commanding Officers of units conducting marine casualty investigations shall utilize the contents of this circular when conducting preliminary investigations to determine whether a reportable marine casualty has occurred. Reference (c) provides further guidance on subsequent investigative efforts. Field commanders should thoroughly vet and update all local policies and Quick Response Checklists (QRCs) that include items related to marine casualties used by Coast Guard Command Centers or any other Coast Guard units to ensure they are consistent with the information contained in this circular. In addition, Sector Prevention personnel shall audit local QRCs annually to ensure compliance with current regulatory requirements and Coast Guard policies. Internet release authorized.
- b. Owners, operators, charterers, masters, persons-in-charge, marine industry personnel, agents, merchant mariners, and all other reporting parties defined in reference (b) may use this circular to facilitate compliance with marine casualty reporting requirements.

4. DIRECTIVES AFFECTED. None.

5. BACKGROUND.

- a. Historically, the Coast Guard has relied on references (a), (b) and (c) to provide guidance on marine casualty reporting to Coast Guard field commanders and marine industry stakeholders. Due to the complexity of the subject, the Coast Guard recognizes that additional clarification of these requirements would benefit both Coast Guard field commanders and the marine industry. Such clarification furthers the Coast Guard's goal of providing consistent national guidance regarding marine casualty reporting to all stakeholders. Because marine casualties occur among a wide range of vessel types and operations, a consistent national framework must outline expectations and alleviate confusion.
- b. Information and data collected during marine casualty investigations are used by a wide audience for many purposes from enforcement of laws to enhancement of prevention activities (i.e. safety alerts) and standards, it is critical that casualty information be properly captured. In addition, even minor incidents provide valuable leading indicator and trend analysis information critical for an effective prevention program.
- c. This circular lays the appropriate foundation for this consistent capture of marine casualty data by clarifying existing regulations, policies, and procedures. Specifically, enclosure (1) assists responsible parties in the proper evaluation of occurrences that constitute a reportable marine casualty and subsequently require action by both Coast Guard and maritime industry stakeholders.

6. DISCUSSION. The purpose of marine casualty reporting is to assist the Coast Guard in responding to and conducting timely marine casualty investigations which lead to determinations that promote safety of life, environment, and property in the maritime domain. In particular, immediate casualty reporting allows the Coast Guard to properly respond to incidents and assist parties in need and/or conduct required regulatory functions.

7. COTP AND OCMI PROCEDURES. A "marine casualty or accident" as defined in 46 CFR 4.03-1 is broadly defined in order to capture a wide variety of occurrences. These occurrences

provide the Coast Guard with the appropriate authority and jurisdictional latitude to investigate a wide range of occurrences irrespective of reporting requirements. These occurrences include both commercial and recreational vessel activities. Casualty reporting criteria are more specifically defined in both 33 CFR Part 173 (state-registered vessels) and 46 CFR Part 4 (federally-documented vessels). COTPs and OCMIIs shall use the following procedures when responding to all reports of potential or actual marine casualties.

- a. **Notification Phase:** When Coast Guard Command Center watchstanders or other Coast Guard personnel receive information regarding a potential “marine casualty or accident” (i.e. radio or cell phone call, third-party report, or written *Report of Marine Accident, Injury or Death* (CG-2692), the receiving unit shall immediately route the report to a qualified Coast Guard Investigating Officer for the Evaluation Phase at the appropriate Sector or MSU office. The receiving unit shall document the notification in the Coast Guard’s Marine Information for Safety and Law Enforcement (MISLE) data system in accordance with references (c) and (d), including scanning and attaching any CG-2692s or other documents relevant to the report. **At no time shall a written CG-2692 be required unless it is determined by a designated and qualified Investigating Officer to be a reportable marine casualty.**
 - b. **Evaluation Phase:** Upon receiving a report of a potential “marine casualty or accident,” the Coast Guard Investigating Officer shall commence an evaluation of the facts to determine whether the occurrence is a reportable marine casualty and whether further Coast Guard action is required. As appropriate, qualified marine inspectors should also be contacted and consulted to determine if vessel operational controls are necessary. Vessel operational control actions should not be based solely upon an initial marine casualty report. Vessel control actions should be determined after a careful examination by a qualified Marine Inspector and include consideration of redundant equipment and/or equivalent levels of safety.
 - c. **Action Phase:**
 - i. Upon determination that an occurrence is a reportable marine casualty, an Investigating Officer shall conduct an investigation per reference (c), specifically preliminary, detailed, advanced or formal investigations.
 - ii. Upon determination that the occurrence is not a reportable marine casualty and there is no further investigative effort required per reference (c), the Investigating Officer shall ensure the MISLE notification contains scanned versions of all documents relevant to the occurrence, including but not limited to any CG-2692 forms. Subsequently, the Investigating Officer shall then return the original CG-2692 received for the occurrence to the originator along with any additional physical records related to the report received from the originator (this does not include any Coast Guard generated material).
8. **MARITIME INDUSTRY RESPONSIBILITIES.** Per reference (b), responsible maritime industry parties must determine whether an occurrence meets the criteria for notifying the Coast Guard. Enclosure (1) provides assistance to industry parties for making such a determination. If an industry party determines an occurrence meets the requirements for marine casualty notification, the party should make every effort by any means available to

immediately notify the nearest Coast Guard Command Center per 46 CFR Subparts 4.04 and 4.05. All notifications must include, at a minimum, the information contained in 46 CFR 4.05-5. Additionally, per 46 CFR 4.05-10, a written marine casualty report (see paragraph 11 below for assistance in locating required CG-2692 forms) shall be submitted no later than 5 days following a reportable marine casualty. If there is any doubt whether an occurrence is a reportable marine casualty, the Coast Guard strongly encourages responsible industry parties to contact the nearest OCMI (typically via the nearest Coast Guard Command Center) to determine an appropriate response. Per references (a) and (b), the Coast Guard retains the authority to investigate any occurrence, regardless whether a report of the occurrence was required by regulation. Additionally, industry parties should familiarize themselves with any additional reporting requirements specified in subchapters in either 33 CFR and/or 46 CFR relevant to their specific class of vessels.

9. CHANGES. This circular is available on the HOMEPOROT Internet website at: <http://homeport.uscg.mil> (select the Investigations link under Missions on the left). The Coast Guard will issue and post time sensitive amendments as an urgent change message on this website. Interested parties may suggest improvements to this circular by corresponding with the Office of Investigations & Casualty Analysis (CG-INV), using the address and phone number provided at the head of this circular. Additionally, CG-INV will continue to improve and update publicly available casualty data (i.e. CG-MIX) in concert with this guidance to ensure Coast Guard reporting and investigative levels are clearly articulated within the public domain.
10. COAST GUARD MISSION MANAGEMENT SYSTEM (MMS) CONSIDERATIONS. This circular does not change the Coast Guard's MMS procedures for Coast Guard Investigations (MPS-PR-INV-01.03). However, it does amplify process improvement guidance for the detection of incidents workflow contained within MMS.
11. ENVIRONMENTAL IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this circular and have been determined to be not applicable.
12. FORMS/REPORTS. Reportable marine casualty form(s) CG-2692, *Report of Marine Casualty*, Form CG-2692A, *Barge Addendum*, and Form CG-2692B, *Report of Required Chemical Drug and Alcohol Testing Following a Serious Marine Incident*, are available on the HOMEPOROT Internet website at: <http://homeport.uscg.mil> (select the Investigations link under Missions on the left).

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Assistant Commandant for Prevention Policy

Encl: (1) Reportable Marine Casualties – Regulations and Interpretations

Reportable Marine Casualties Regulations and Interpretations

The regulations and amplifying information provided in the following table is intended to assist reporting parties to determine whether an occurrence is a reportable marine casualty and, if so, to comply with the notification and reporting requirements outlined in 46 CFR Part 4. All bold, italicized, or otherwise highlighted text is to assist readers regarding this circular only and may not be contained within the original regulatory text. The left hand column contains the specific text of the regulation being evaluated. The right hand column contains associated regulations and interpretations. **Note: Cited regulatory language is subject to revision and should be referenced in its current iteration.**

46 CFR 4.01-3: Reporting Exclusion	
Regulation Text	Associated Regulations and Interpretations
(a) Vessels subject to 33 CFR 173.51 are excluded from the requirements of subpart 4.05 (reporting requirements).	<p style="text-align: center;"><u>Associated Regulations</u></p> <p>33 CFR 173.51: Applicability</p> <p>(a) This subpart applies to each vessel used on waters subject to the jurisdiction of the United States (see below) and on the high seas beyond the territorial seas for vessels owned in the United States that:</p> <ol style="list-style-type: none"> (1) Is used by its operator for recreational purposes; or (2) Is required to be numbered under this part. <p>(b) This subpart does not apply to a vessel subject to inspection under Title 46 U.S.C. Chapter 33.</p> <p>33 CFR 2.38: Waters subject to the jurisdiction of the United States and waters over which the United States has jurisdiction mean the following waters —</p> <ol style="list-style-type: none"> (a) Navigable waters of the United States, as defined in § 2.36(a). (b) Waters, other than those under paragraph (a) of this section, that are located on lands for which the United States has acquired title or controls and— <ol style="list-style-type: none"> (1) Has accepted jurisdiction according to 40 U.S.C. 255; or (2) Has retained concurrent or exclusive jurisdiction from the date that the State in which the lands are located entered the Union. (c) Waters made subject to the jurisdiction of the United States by operation of the international agreements and statutes relating to the former Trust Territory of the Pacific Islands, and waters within the territories and possessions of the United States <p>.....</p> <p style="text-align: center;"><u>Interpretation</u></p> <p>If a vessel is subject to 33 CFR 173.51 (provided above) then a vessel stakeholder is NOT required to make immediate notification of a marine casualty, nor are they required to submit a CG-2692 to the Coast Guard as required in 46 CFR Subpart 4.05. However, reporting may be required by the State in which the vessel is registered (including accidents occurring on the high seas) or State waters on which the vessel is being operated. All commercial vessels reporting to State authorities are subject to Coast Guard investigations (i.e. state registered fishing vessels, towing vessels, uninspected passenger vessels).</p>

<p>(b) Vessels which report diving accidents under 46 CFR 197.484 regarding deaths, or injuries which cause incapacitation for greater than 72 hours, are not required to give notice under 4.05-1(a)(5) or 4.05-1(a)(6).</p>	<p style="text-align: center;"><u>Associated Regulation</u></p> <p>46 CFR 197.484: Notice of casualty</p> <p>(a) In addition to the requirements of subpart 4.05 of this chapter and 33 CFR 146.30, the person-in-charge shall notify the Officer-in-Charge, Marine Inspection, as soon as possible after a diving casualty occurs, if the casualty involves any of the following:</p> <ol style="list-style-type: none"> (1) Loss of life. (2) Diving-related injury to any person causing incapacitation for more than 72 hours. (3) Diving-related injury to any person requiring hospitalization for more than 24 hours. <p>(b) The notice required by this section must contain the following:</p> <ol style="list-style-type: none"> (1) Name and official number (if applicable) of the vessel or facility. (2) Name of the owner or agent of the vessel or facility. (3) Name of the person-in-charge. (4) Name of the diving supervisor. (5) Description of the casualty including presumed cause. (6) Nature and extent of the injury to persons. <p>(c) The notice required by this section is not required if the written report required by §197.486 is submitted within 5 days of the casualty.</p> <hr/> <p style="text-align: center;"><u>Interpretations</u></p> <p>Diving accidents under 46 CFR 197.484 (provided above) – is defined as accidents that occur during a commercial diving operation in which the diver(s) are engaged in underwater work for hire. This exclusion does not include accidents that occur during sport or recreational diving or the instruction thereof.</p> <p>Notice under 4.05-1(a)(5) or 4.05-1(a)(6) – this exclusion applies to occurrences that only involve death and/or injury that requires professional medical treatment beyond first aid and , if applicable, that renders a person engaged onboard a vessel in commercial service unfit to perform his or her duties. If an occurrence also meets any of the other criteria in 46 CFR 4.05-1(a), then the requirements of 46 CFR Subpart 4.05 also apply.</p> <p>Written report required by §197.486 – For the person-in-charge of a vessel the written report required to be submitted per 46 CFR 197.486 is on form CG-2692.</p>
<p>(c) Vessels are excluded from the requirements of 4.05-1(a)(5) and (a)(6) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (i.e. collision) or a vessel equipment casualty (i.e. cargo boom failure) and are subject to the reporting requirements of Occupational Safety & Health Admin. (OSHA) under 29 CFR 1904.</p>	<p style="text-align: center;"><u>Associated Regulation</u></p> <p>Reporting requirements of OSHA under 29 CFR 1904 – these reporting requirements are found in 29 CFR 1904 which may be accessed at www.ecfr.gov. Search for this specific regulatory cite.</p> <hr/> <p style="text-align: center;"><u>Interpretations</u></p> <p>Requirements of 4.05-1(a)(5) or 4.05-1(a)(6) – this exclusion applies to occurrences that only involve death and/or injury that requires professional medical treatment beyond first aid and , if applicable, that renders a person engaged onboard a vessel in commercial service unfit to perform his or her duties. If an occurrence also meets any of the other criteria in 46 CFR 4.05-1(a), then the requirements of 46 CFR Subpart 4.05 also apply.</p> <p>Shipyard or harbor workers – A shipyard worker is a person whose employment takes place in or around the shipyard. A harbor worker is a person whose employment takes place in or around the harbor. Both shipyard and harbor workers</p>

	<p>are engaged in direct maritime activities. Shipyard and/or Harbor workers include ship repairmen, shipbuilders and ship breakers, but do not include clerical workers or workers in harbor side retail or restaurant establishments.</p> <p>Stevedores and longshoremen are <u>not</u> included in this definition and therefore are <u>not excluded</u> from the requirements of 4.05-1(a)(5) and (a)(6). However, occurrences regarding these individuals must involve vessel operations – see “vessel is involved” definition on pages 4 and 5 below.</p>
<p>(d) Except as provided in subpart 4.40, public vessels are excluded from the requirements of this part.</p>	<p style="text-align: center;"><u>Associated Regulations</u></p> <p>46 CFR 4.03-40: Public vessels means a vessel –</p> <ul style="list-style-type: none"> (a) Is owned, or demise chartered, and operated by the U.S. Government or a government of a foreign country, except a vessel owned or operated by the Department of Transportation or any corporation organized or controlled by the Department (except a vessel operated by the Coast Guard or Saint Lawrence Seaway Development Corporation); and (b) Is not engaged in commercial service. <p>46 CFR 4.40-10: Preliminary investigation by the Coast Guard.</p> <ul style="list-style-type: none"> (a) The Coast Guard conducts the preliminary investigation of marine casualties. (b) The Commandant determines from the preliminary investigation whether: <ul style="list-style-type: none"> (1) The casualty is a major marine casualty; or (2) The casualty involves a public and a non-public vessel and at least one fatality or \$75,000 in property damage; or (3) The casualty involves a Coast Guard and a non-public vessel and at least one fatality or \$75,000 in property damage; or (4) The casualty is a major marine casualty which involves significant safety issues relating to Coast Guard safety functions, e.g., search and rescue, aids to navigation, vessel traffic systems, commercial vessel safety, etc. (c) The Commandant notifies the Board of a casualty described in paragraph (b) of this section. <p style="text-align: center;">.....</p> <p style="text-align: center;"><u>Interpretation</u></p> <p>Public vessels – defined in 46 CFR 4.03-40 (provided above). This exclusion does NOT include vessels owned, demise chartered, or operated by state, city, or other local governments. Therefore, these vessels are required to comport with references (a) and (b) and the reporting requirements outlined in this circular.</p>

46 CFR 4.05-1: Notice of Marine Casualty

Regulation Text	Associated Regulation(s) and Interpretation(s)
<p>(a) Immediately after the addressing of resultant safety concerns, the owner, agent, master, operator, or person in charge, shall notify the nearest Sector Office or any Coast Guard Office whenever a vessel is involved in a marine casualty resulting in -</p>	<p style="text-align: center;"><u>Interpretations</u></p> <p>Immediately – defined as without interval of time. Immediate notification facilitates proper Coast Guard and stakeholder responses to emergent situations. Each reported occurrence shall be evaluated by a Coast Guard Investigating Officer. Delays caused by the need to address resultant safety concerns will be considered valid. All notifications to the Coast Guard will contain information per 46 CFR Part 4.05-5.</p> <p>Notify – it is preferred that the notification be made to the Command Center of the Coast Guard Sector or Marine Safety Unit in whose area of responsibility the marine casualty occurs; however, Vessel Traffic Services or District Command Centers are also considered appropriate alternatives. Contact information for Coast Guard Sectors can be found in the Port Directory on the Coast Guard’s Homeport website (https://homeport.uscg.mil).</p> <p>If the incident occurs outside of navigable waters of the U.S., but notification is required by 46 CFR Part 4 (i.e. U.S. flagged vessels or foreign-flagged tank vessels in the U.S. Exclusive Economic Zone (see below)), the notification should be made to the Coast Guard unit that is geographically closest to the incident location or that has responsibility for marine safety in the vessel’s next U.S. port of call.</p> <p>33 CFR 2.30 – Exclusive Economic Zone</p> <p>(a) With respect to the United States, including the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the United States Virgin Islands, and any other territory or possession over which the United States exercises sovereignty, <i>exclusive economic zone</i> means the zone seaward of and adjacent to the territorial sea, as defined in § 2.22(a), including the contiguous zone, and extending 200 nautical miles from the territorial sea baseline (except where otherwise limited by treaty or other agreement recognized by the United States) in which the United States has the sovereign rights and jurisdiction and all nations have the high seas freedoms mentioned in Presidential Proclamation 5030 of March 10, 1983.</p> <p>Direct calls to a marine investigator or inspector should be avoided as oftentimes attempts to notify these personnel directly results in an unintentional delay. A verified call for Coast Guard assistance meets the requirement to immediately notify. Use of a marine radio or mobile telephone is often the most efficient and effective mode of notification. As discussed later in this enclosure, 33 CFR 160.215 “hazardous condition” reports also satisfy the immediate notification requirement for marine casualties, but not the written CG-2692 requirement (written report).</p> <p>Vessel is involved – defined as associated with a casualty in any way, even solely as the location where the casualty occurred or the platform from which an activity associated with the casualty was undertaken, such as diving, snorkeling, swimming, parasailing, etc. Vessel specific operations need not play a part in the casualty and the vessel is not required to be a causal link to the casualty (i.e. personnel casualty occurring during recreational diving from a vessel, mariner dies in his sleep onboard the vessel, etc.). This category includes occurrences involving a vessel’s bow, gangway, boarding ladders, mooring lines etc. It does <u>not</u> extend to the pier structure unless something from the vessel caused an issue to/on the pier.</p>

<p>(1) An unintended grounding, or an unintended strike of (allision with) a bridge;</p>	<p style="text-align: center;"><u>Interpretations</u></p> <p>Grounding – defined as any situation where the vessel is unintentionally brought or placed on the ground, historically identified as being “ground” beneath the water line (i.e. sea floor, riverbed, rocks etc.). This does NOT include situations where the grounding is only momentary AND does not result in ANY other criteria met as defined in 46 CFR Part 4.05-1(a)(3) through (8).</p> <p>Allision – defined as contact with an affixed or stationary object (vice ground) under or above the water line. Contrast the definition of “allision” with the term “collision,” which is contact between two or more moving vessels/objects. It does not matter whether the allision resulted in any damage, pollution, injuries, etc..., an allision with a bridge is in itself is a reportable marine casualty. It does not include incidental contact as part of mooring or tying up the vessel.</p> <p>Bridge – A bridge is that engineering entity composed of all integral elements of the overall structure, approaches, and appurtenances, regardless of the materials used, whether natural or manufactured or the construction methods. This definition includes, but is not limited to: highway bridges, railroad bridges, foot bridges, aqueducts, aerial tramways, conveyors, gauging cables, and similar structures of like function. This includes, but is not limited to, fendering systems and structures used to maintain or operate the bridge.</p>
<p>(2) An intended grounding, or an intended strike of a bridge, that creates a hazard to navigation, the environment, or the safety of a vessel, or that meets any criterion of paragraph (a)(3) through (8);</p>	<p style="text-align: center;"><u>Interpretation</u></p> <p>Intended – A grounding or strike of a bridge is considered “intended” if it is a controlled, intentional maneuver to, among other things, “walk” the vessel through, hold position to adjust cargo, and/or hold position to allow other traffic to safely transit. If the intended grounding or intended strike of a bridge results in a hazard to navigation, environment, or a vessel, it should immediately be reported to the Coast Guard. Additionally, the occurrence may constitute a hazardous condition (to the bridge, cargo or vessel) necessitating notification per 33 CFR 160.215. An intended grounding or striking of a bridge that does not meet the requirements of 46 CFR 4.05-5(a)(2) does not need to be reported to the Coast Guard.</p>
<p>(3) A loss of main propulsion, primary steering, or any associated component or control system that reduces the maneuverability of the vessel;</p>	<p style="text-align: center;"><u>Interpretations</u></p> <p>Loss – defined as an occurrence where an applicable system or component <u>unexpectedly</u> fails, shuts downs, or is otherwise rendered unable to perform its specified function, no matter its duration, even if momentary. It also includes any situation where an applicable system or component is <u>required</u> to be intentionally shut down as a casualty control measure. The unavailability of an applicable system or component due to scheduled, preventative maintenance is <u>not</u> considered a loss of that system or component, as it is a planned, intentional act and not based on an unexpected occurrence. Additionally, taking engines down that are otherwise fully operational for fuel cost savings purposes is <u>not</u> considered a loss under this criteria.</p> <p>Main propulsion, primary steering, or any associated component or control system – includes main propulsion equipment (propeller, jets, prime mover, reduction gear, or any other mechanical equipment required to make any portion of main propulsion operate), primary steering equipment (electronics, rudders, pods, pumps, hydraulics, etc.), and associated components and control systems (helm controls, engine room controls, etc.). Redundancies do not alleviate the need to report a failure; loss of these systems, no matter the duration shall be reported. Bow and stern thrusters or dynamic positioning equipment should be evaluated on a vessel specific basis, paying special attention to whether this equipment is integral to safe vessel maneuverability. If thrusters are considered essential to vessel operations per flag/class operating parameters, failure of these systems is a reportable casualty.</p>

	<p>Reduces the maneuverability of the vessel – defined as a reduction in the range of speeds in which a vessel is capable of operating and/or a reduction in the ability to make turns and/or other navigational maneuvers compared to the vessel’s expected maneuvering capability as certificated by the Coast Guard (Certificate of Inspection), the flag state, or by its operational design and/or intended function.</p>
<p>(4) An occurrence materially and adversely affecting the vessel’s seaworthiness or fitness for service or route, including but not limited to fire, flooding, or failure of or damage to fixed fire-extinguishing systems, life saving equipment, auxiliary power-generating equipment, or bilge-pumping systems;</p>	<p style="text-align: center;"><u>Interpretations</u></p> <p>Seaworthiness – defined as the condition of being properly equipped, sufficiently constructed, and watertight in order to withstand stress of the wind, waves, and other environmental conditions that the vessel might reasonably be expected to encounter.</p> <p>Fitness for service or route – defined as the condition of the vessel and its equipment being such that it meets or exceeds minimum safety standards and is safe and reliable to operate in one or more particular types of service and in the locations in which it will be used. For vessels subject to inspection under 46 USC Chapter 33, fitness for service and route are directly related to the “Route Permitted and Conditions of Operation” provided by the vessel’s Certificate of Inspection (COI). Should an occurrence result in the material condition on the vessel becoming such that it requires the temporary or permanent reduction or restriction in the vessel’s operating parameters or route as compared to what it is permitted in its COI, then the occurrence is considered to have met this criterion.</p>
<p>(5) A loss of life;</p>	<p style="text-align: center;"><u>Interpretations</u></p> <p>Loss of life – a life is considered lost when the person is known to be deceased (e.g. the body has been recovered), the person has been categorized as “presumed lost/dead” by agencies leading search and rescue efforts, or the circumstances of the occurrence make recovery of the person alive unlikely. <u>All losses of life, regardless of apparent cause fall under this criterion.</u></p>
<p>(6) An injury that requires professional medical treatment (treatment beyond first aid) and, if the person is engaged or employed on board a vessel in commercial service, that renders the individual unfit to perform his or her routine duties;</p>	<p style="text-align: center;"><u>Interpretations</u></p> <p>Injury – defined as damage or harm caused to the structure or function of the body as a result of an outside physical agent or force to a passenger or non-crewmember. Damage or harm caused exclusively by animal/insect bites/scratches is excluded. Pursuant to the Occupational Safety and Health Administration’s (OSHA) definition of “injury or illness” in 29 CFR 1904.46, the Coast Guard considers injuries and illnesses as separate types of occurrences. As such, damage or harm caused by illness, including but not limited to: communicable illness (i.e. colds, flu, etc.), food poisoning, heart attack, stroke, or other pre-existing medical condition is not considered an injury and does not fall within the definition of this regulation.</p> <p>Professional medical treatment (treatment beyond first aid) – the Coast Guard has adopted the definitions of “medical treatment” and “first aid” established by OSHA in 29 CFR 1904.7(b)(5)(i) through (iii) as well as the explanation regarding medical treatment provided in subsections (iv) and (v) of 29 CFR 1904.7(b)(5). The regulation can be viewed online at www.ecfr.gov; search this specific regulatory cite.</p> <p>Engaged or employed on board a vessel – defined as being on board a vessel to carry out work associated with shipboard operations, cargo operations, or maintenance. In addition to the vessel crew, this would include, but is not limited to: pilots, stevedores, longshoremen, accommodation/hospitality staff and ‘temporary workers’ such as visiting technicians, contractors, etc. See reporting exclusion in this circular for shipyard and harbor workers (page 2).</p> <p>Commercial service – defined in 46 USC 2101(5) and includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.</p>

<p>(7) An occurrence causing property damage in excess of \$25,000, this damage including the cost of labor and material to restore the property to its condition before the occurrence, but not including the cost of salvage, cleaning, gas-freeing, dry-docking, or demurrage;</p>	<p style="text-align: center;"><u>Interpretations</u></p> <p>Property Damage – defined as the sum of the monetary cost of material damage to all property affected by the occurrence including, but not limited to: vessels, cargo (see below), facilities, aids-to-navigation, and bridges and their fendering systems.</p> <p>Loss or damage to cargo does not include demurrage or factors affecting cargo delivery, storage or other associated cargo related monetary issues.</p>
<p>(8) An occurrence involving significant harm to the environment as defined in 46 CFR 4.03-65.</p>	<p style="text-align: center;"><u>Associated Regulations</u></p> <p>46 CFR 4.03-65: Significant harm to the environment</p> <ol style="list-style-type: none"> (1) In the navigable waters of the United States, a discharge of oil as set forth in 40 CFR 110.3 (see below) or a discharge of hazardous substances in quantities equal to or exceeding, in any 24-hour period, the reportable quantity determined in 40 CFR part 117 (see below); (2) In other waters subject to the jurisdiction of the United States, including the EEZ – <ol style="list-style-type: none"> (1) A discharge of oil in excess of the quantities or instantaneous rate permitted in 33 CFR 151.10 or 33 CFR 151.13 during operation of the ship; or (2) A discharge of noxious liquid substances in bulk in violation of 46 CFR 153.1126 or 46 CFR 153.1128 of this chapter during the operation of the ship; and (3) In waters subject to the jurisdiction of the United States, including the EEZ, a probable discharge of oil, hazardous substances, marine pollutants, or noxious liquid substances. The factors you must consider to determine whether a discharge is probable include, but are not limited to – <ol style="list-style-type: none"> (1) Ship location and proximity to land or other navigational hazards; (2) Weather; (3) Tide current; (4) Sea state; (5) Traffic density; (6) The nature of damage to the vessel; and (7) Failure or breakdown aboard the vessel, its machinery, or equipment. <p style="text-align: center;">.....</p> <p style="text-align: center;"><u>Interpretation(s)</u></p> <p>40 CFR 110.3 - For purposes of section 311(b)(4) of the Act, discharges of oil in such quantities that the Administrator has determined may be harmful to the public health or welfare or the environment of the United States include discharges of oil that:</p> <ol style="list-style-type: none"> (a) Violate applicable water quality standards; or (b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. <p>40 CFR Part 117 – Table 117.3 in 40 CFR lists the reportable quantities of Hazardous Substances as determined by the Environmental Protection Agency (EPA). It can be viewed online at www.ecfr.gov. Search for this specific regulatory cite.</p> <p>Significant harm to the environment – defined in 46 CFR 4.03-65 (provided</p>

	<p>above). This applies only to discharges from federally documented vessels; it does NOT include discharges from facilities, fixed platforms, or any other non-vessel or to mystery spills.</p>
<p>(b) Notice given as required by 33 CFR 160.215 satisfies the requirement of this section if the marine casualty involves a hazardous condition as defined by 33 CFR 160.204.</p>	<p style="text-align: center;"><u>Associated Regulations</u></p> <p>33 CFR 160.202: Applicability (for vessels subject to 33 CFR 160.215).</p> <p>(a) This subpart applies to U.S. and foreign vessels bound for or departing from ports or places in the United States.</p> <p>(b) This subpart does not apply to U.S. recreational vessels under 46 U.S.C. 4301 <i>et seq.</i>, but does apply to foreign recreational vessels.</p> <p>(c) Unless otherwise specified in this subpart, the owner, agent, master, operator, or person in charge of a vessel regulated by this subpart is responsible for compliance with the requirements in this subpart.</p> <p>(d) Towing vessels controlling a barge or barges required to submit an NOA under this subpart must submit only one NOA containing the information required for the towing vessel and each barge under its control.</p> <p>See 33 CFR 160.203 for exempted vessels from the above regulation.</p> <p>33 CFR 160.204: Definitions</p> <p><i>Hazardous Condition</i> means any condition that may adversely affect the safety of any vessel, bridge, structure, or shore area or the environmental quality of any port, harbor, or navigable waterway of the United States. It may, but need not, involve collision, allision, fire, explosion, grounding, leaking, damage, injury or illness of a person aboard, or manning-shortage.</p> <p>33 CFR 160.215: Notice of hazardous conditions</p> <p>Whenever there is a hazardous condition either aboard a vessel or caused by a vessel or its operation, the owner, agent, master, operator, or person in charge shall immediately notify the nearest Coast Guard Sector Office or closest Coast Guard office. (Compliance with this section does not relieve responsibility for the written report required by 46 CFR 4.05-10.)</p> <p>.....</p> <p style="text-align: center;"><u>Interpretation</u></p> <p>Notice given as required by 33 CFR 160.215 – Providing notice required by 33 CFR 160.215 (provided above) satisfies the <u>immediate</u> notification requirements of this section, specifically 46 CFR 4.05-1 only. As indicated in 33 CFR 160.215, it does NOT satisfy the requirement for submission of the written CG-2692 required by 46 CFR 4.05-10.</p> <p>Hazardous Condition – defined in 33 CFR 160.204 (provided above).</p>

<p>(c) Except as otherwise required under this subpart, if the marine casualty exclusively involves an occurrence or occurrences described in paragraph (a)(8) of this section, a report made pursuant to 33 CFR 153.203, 40 CFR 117.21 or 40 CFR 302.6 satisfies the immediate notification requirement of this section.</p>	<p style="text-align: center;"><u>Interpretation</u></p> <p>Exclusively involves an occurrence or occurrences described in paragraph (a)(8) – If a casualty involves ONLY (no other criterion listed in 46 CFR Part 4.05-1(a)(1) through (7) applies) an occurrence as defined in 46 CFR 4.05-1(a)(8), immediate notification is satisfied pursuant to reports made in compliance with 33 CFR 153.203, 40 CFR 117.21 or 40 CFR 302.6. However, a written report as required per 46 CFR 4.05-10 is REQUIRED to be submitted within 5 days.</p> <p>If a casualty is found to ALSO involve any occurrence(s) described in 46 CFR 4.05-1(a)(1) through (7), then immediate notice required by 46 CFR 4.05-1 is still required IN ADDITION TO any reports made pursuant to 33 CFR 153.203, 40 CFR 117.21, or 40 CFR 302.6.</p> <p>Report made pursuant to 33 CFR 153.203, 40 CFR 117.21 or 40 CFR 302.6 – Reports under all three regulations are to be made immediately/as soon as a person has knowledge of an applicable discharge to the:</p> <p style="padding-left: 40px;">National Response Center (NRC), U.S. Coast Guard, 2100 2nd St., SW., Stop 7238, Washington, DC 20593-7238, <i>toll free telephone number:</i> 800-424-8802, <i>direct telephone:</i> 202-267-2675, or <i>Fax:</i> 202-267-1322.</p> <p>For reports made pursuant to 33 CFR 153.203 and 40 CFR 117.21, if direct reporting to the NRC is not practicable, reports may be made to the Coast Guard or Environmental Protection Agency (EPA) and pre-designated Federal On-Scene Coordinator (FOSC) for the geographic area where the discharge occurs. All such reports shall be promptly relayed to the NRC. If it is not possible to notify the NRC or the pre-designated FOSC immediately, reports may be made immediately to the nearest Coast Guard unit, provided that the person in charge of the vessel or onshore or offshore facility notifies the NRC as soon as possible.</p>
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46 CFR 4.05-2: Incidents Involving Foreign Tank Vessels

Regulation Text	Associated Regulation(s) and Interpretation(s)
<p>(a) <i>Within the navigable waters of the United States, its territories, or possessions.</i> The marine casualty reporting and investigation criteria of this part apply to foreign tank vessels operating on the navigable waters of the United States, its territories, or possessions. A written marine casualty report must be submitted under 46 CFR 4.05-10 of this chapter.</p>	<p style="text-align: center;"><u>Associated Regulation</u></p> <p>33 CFR 2.36: Navigable waters of the United States, navigable waters, and territorial waters –</p> <p>(a) Except as provided in paragraph (b) of this section, navigable waters of the United States, navigable waters, and territorial waters mean, except where Congress has designated them not to be navigable waters of the United States:</p> <ol style="list-style-type: none"> (1) Territorial seas of the United States; (2) Internal waters of the United States that are subject to tidal influence; and (3) Internal waters of the United States not subject to tidal influence that: <ol style="list-style-type: none"> (i) Are or have been used, or are or have been susceptible for use, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce, notwithstanding natural or man-made obstructions that require portage, or (ii) A governmental or non-governmental body, having expertise in waterway improvement, determines to be capable of improvement at a reasonable cost (a favorable balance between cost and need) to provide, by themselves or in connection with other waters, as highways for substantial interstate or foreign commerce. <p>(b) Navigable waters of the United States and navigable waters, as used in sections 311 and 312 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1321 and 1322, mean:</p> <ol style="list-style-type: none"> (1) Navigable waters of the United States as defined in paragraph (a) of this section and all waters within the United States tributary thereto; and (2) Other waters over which the Federal Government may exercise Constitutional authority. <p style="text-align: center;">.....</p> <p style="text-align: center;"><u>Interpretation</u></p> <p>Navigable waters of the United States, its territories, or possessions - defined in 33 CFR 2.36 (provided above).</p>
<p>(b) <i>Outside the U.S. navigable waters and within the Exclusive Economic Zone (EEZ).</i> The owner, agent, master, operator, or person in charge of a foreign tank vessel involved in a marine casualty must report under procedures detailed in 33 CFR 151.15, immediately after addressing resultant safety concerns, whenever the marine casualty involves, or results in –</p>	<p style="text-align: center;"><u>Associated Regulation</u></p> <p>33 CFR 151.15: Reporting requirements.</p> <p>(a) The master, person in charge, owner, charterer, manager, or operator of a vessel involved in any incident described in paragraph (c) of this section must report the particulars of the incident without delay to the fullest extent possible under the provisions of this section.</p> <p>(b) If a vessel involved in an incident is abandoned, or if a report from that vessel is incomplete or unattainable, the owner, charterer, manager, operator, or their agent must assume the obligations placed upon the master or other person having charge of the vessel under provisions of this section.</p> <p>(c) The report must be made whenever an incident involves—</p> <ol style="list-style-type: none"> (1) A discharge of oil, hazardous substances, marine pollutants, or noxious liquid substances (NLS) resulting from damage to the vessel or its equipment, or for the purpose of securing the safety of a vessel or saving a life at sea; (2) A discharge of oil in excess of the quantities or instantaneous rate permitted in §§151.10 or 151.13 of this chapter, or NLS in bulk, in 46

- CFR 153.1126 or 153.1128, during the operation of the vessel;
- (3) A discharge of marine pollutants in packaged form; or
 - (4) A probable discharge resulting from damage to the vessel or its equipment. The factors you must consider to determine whether a discharge is probable include, but are not limited to—
 - (i) Ship location and proximity to land or other navigational hazards;
 - (ii) Weather;
 - (iii) Tide current;
 - (iv) Sea state;
 - (v) Traffic density;
 - (vi) The nature of damage to the vessel; and
 - (vii) Failure or breakdown aboard the vessel of its machinery or equipment. Such damage may be caused by collision, grounding, fire, explosion, structural failure, flooding or cargo shifting or a failure or breakdown of steering gear, propulsion, electrical generating system or essential shipboard navigational aids.
 - (d) Each report must be made by radio whenever possible, or by the fastest telecommunications channels available with the highest possible priority at the time the report is made to—
 - (1) The appropriate officer or agency of the government of the country in whose waters the incident occurs; and
 - (2) The nearest Captain of the Port (COTP) or the National Response Center (NRC), toll free number 800-424-8802 (in Washington, DC, metropolitan area, 202-267-2675), fax 202-267-1322, telex number 892427 for incidents involving U.S. vessels in any body of water; or incidents involving foreign flag vessels in the navigable waters of the United States; or incidents involving foreign-flag tank vessels within waters subject to the jurisdiction of the United States, including the Exclusive Economic Zone (EEZ).
 - (e) Each report must contain—
 - (1) The identity of the ship;
 - (2) The type of harmful substance involved;
 - (3) The time and date of the incident;
 - (4) The geographic position of the vessel when the incident occurred;
 - (5) The wind and the sea condition prevailing at the time of the incident;
 - (6) Relevant details respecting the condition of the vessel;
 - (7) A statement or estimate of the quantity of the harmful substance discharged or likely to be discharged into the sea; and
 - (8) Assistance and salvage measures.
 - (f) A person who is obligated under the provisions of this section to send a report must—
 - (1) Supplement the initial report, as necessary, with information concerning further developments; and
 - (2) Comply as fully as possible with requests from affected countries for additional information concerning the incident.

A report made under this section satisfies the reporting requirements of §153.203 of this chapter and of 46 CFR 4.05-1 and 4.05-2, if required under those provisions.

Interpretations

Exclusive Economic Zone (EEZ) – defined in 33 CFR 2.30 (see page 4 above).

<p>(1) Material damage affecting the seaworthiness or efficiency of the vessel; or</p>	<p style="text-align: center;"><u>Interpretations</u></p> <p>Seaworthiness – defined as the condition of being properly equipped and sufficiently constructed and watertight to withstand the stress of the wind, waves, and other environmental conditions that the vessel might reasonably be expected to encounter.</p> <p>Efficiency – defined as the ability to competently perform and operate in its intended service, including the ability to safely carry and transfer its cargo.</p>
<p>(2) An occurrence involving significant harm to the environment as a result of a discharge, or probable discharge, resulting from damage to the vessel or its equipment. The factors you must consider to determine whether or not a discharge is probable include, but are not limited to –</p> <ul style="list-style-type: none"> (i) Ship location and proximity to land or other navigational hazards; (ii) Weather; (iii) Tide / Current; (iv) Sea state; (v) Traffic density; (vi) The nature of the damage to the vessel; and (vii) Failure or breakdown aboard the vessel, its machinery, or equipment. 	<p style="text-align: center;"><u>Associated Regulation</u></p> <p>46 CFR 4.03-65: Significant harm to the environment –</p> <ul style="list-style-type: none"> (a) In the navigable waters of the United States, a discharge of oil as set forth in 40 CFR 110.3 (see below) or a discharge of hazardous substances in quantities equal to or exceeding, in any 24-hour period, the reportable quantity determined in 40 CFR part 117 (see below); (b) In other waters subject to the jurisdiction of the United States, including the EEZ – <ul style="list-style-type: none"> (1) A discharge of oil in excess of the quantities or instantaneous rate permitted in 33 CFR 151.10 or 33 CFR 151.13 during operation of the ship; or (2) A discharge of noxious liquid substances in bulk in violation of 46 CFR 153.1126 or 46 CFR 153.1128 of this chapter during the operation of the ship; and (c) In waters subject to the jurisdiction of the United States, including the EEZ, a probable discharge of oil, hazardous substances, marine pollutants, or noxious liquid substances. The factors you must consider to determine whether a discharge is probable include, but are not limited to – <ul style="list-style-type: none"> (1) Ship location and proximity to land or other navigational hazards; (2) Weather; (3) Tide current; (4) Sea state; (5) Traffic density; (6) The nature of damage to the vessel; and (7) Failure or breakdown aboard the vessel, its machinery, or equipment. <p style="text-align: center;">.....</p> <p style="text-align: center;"><u>Interpretation</u></p> <p>40 CFR 110.3 - For purposes of section 311(b)(4) of the Act, discharges of oil in such quantities that the Administrator has determined may be harmful to the public health or welfare or the environment of the United States include discharges of oil that:</p> <ul style="list-style-type: none"> (a) Violate applicable water quality standards; or (b) Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines. <p>40 CFR Part 117 – Table 117.3 in 40 CFR lists the reportable quantities of Hazardous Substances as determined by the Environmental Protection Agency (EPA). It can be viewed online at www.ecfr.gov. Search for this specific regulatory cite.</p>